Report of the Meeting on the Protection of the Environment of the Conference on Security and Cooperation in Europe

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The representatives of Austria, Belgium, Bulgaria, Canada, Cyprus, the Czech and Slovak Federal Republic, Denmark, Finland, France, Germany, Greece, the Holy See, Hungary, Iceland, Ireland, Italy – European Community, Liechtenstein, Luxembourg, Malta, Monaco, The Netherlands, Norway, Poland, Portugal, Romania, San Marino, Spain, Sweden, Switzerland, Turkey, the Union of Soviet Socialist Republics, the United Kingdom, the United States of America and Yugoslavia,

Conscious of the new situation and of the development of security, stability and co-operation in Europe, and in the context of preparing a Summit Meeting in Paris,

Having taken into account document CSCE/SEM.36/Rev.1 of the Sofia Meeting on the Protection of the Environment and Journal No.2/Rev.1 of the Bonn Conference on Economic Co-operation in Europe,

Have adopted the attached Report on Conclusions and Recommendations of the Meeting on the Protection of the Environment of the Conference on Security and Co-operation in Europe.

Vienna, 5 November 1990.

REPORT ON CONCLUSIONS AND RECOMMENDATIONS OF THE MEETING ON THE PROTECTION OF THE ENVIRONMENT OF THE CONFERENCE ON SECURITY AND CO-OPERATION IN EUROPE

In accordance with the mandate of the Concluding Document of the Vienna Meeting of the representatives of the participating States of the Conference on Security and Co-operation in Europe, the Meeting on the Protection of the Environment took place in Sofia, Bulgaria, from 16 October to 3 November 1989.

During the formal opening of the Meeting on the Protection of the Environment, the participants were welcomed by H.E. Mr. Todor Zhivkov, President of the State Council of the People's Republic of Bulgaria. Opening statements were made by representatives of the participating States. The United Nations Economic Commission for Europe (ECE), the United Nations Environment Programme (UNEP) and the International Union for Conservation of Nature and Natural Resources (IUCN) made contributions to the Meeting.

The Meeting reviewed the work already done, or currently under way, in the fields of prevention and control of the transboundary effects of industrial accidents, management of potentially hazardous chemicals, and pollution of transboundary watercourses and international lakes, and examined possibilities for further measures and co-operation, including improved exchange of information.

A general debate in the Plenary included an exchange of views on items 4 and 5 of the Agenda and on other relevant provisions of the Vienna Concluding Document.

Subsidiary Working Body I dealt with the legal, administrative and practical aspects of issues such as liability and restoration, systems of alert, assistance upon request, preventive measures, information flows and consultations.

Subsidiary Working Body II dealt with the scientific, technical and technological aspects of issues such as preventive measures, risk assessment, assessment of damage, clean-up, measurement and monitoring.

The participating States are aware of the opportunities, as they became apparent during the Meeting, for increased co-operation in the CSCE process, with regard to the protection of the environment. They reaffirm their will to strengthen their co-operation and intensify efforts aimed at protecting and improving the environment, bearing in mind the need to maintain and restore the ecological balance in air, water and soil. They also recall their commitment in the Vienna Concluding Document to acknowledge the importance of the contribution of persons and organizations dedicated to the protection and improvement of the environment, and to allow them to express their concerns. They reiterate their willingness to promote greater public awareness and understanding of environmental issues.

The participating States reaffirm their respect for the right of individuals, groups and organizations concerned with environmental issues to express freely their views, to associate with others, to peacefully assemble, as well as to obtain, publish and distribute information on these issues, without legal and administrative impediments inconsistent with the CSCE provisions. These individuals, groups and organizations have the right to participate in public debates on environmental issues, as well as to establish and maintain direct and independent contacts at national and international level.

The participating States will also encourage education and instruction on environmental protection, promote the reproduction, circulation and exchange of information and data, as well as of audio-visual and printed material, on environmental issues, and encourage public access to such information, data and material.

The participating States will also stimulate exchange of information and environmental data, and foster scientific and technological co-operation in order to prevent and reduce pollution.

On the basis of the discussions held during the Meeting, the participating States recommend:

- that the ECE elaborate an international convention, code of practice or other appropriate legal instruments on the prevention and control of the transboundary effects of industrial accidents;
- the development of international exchange of information and the co-ordination of efforts in order to achieve closer harmonization concerning the management of hazardous chemicals;
- that the ECE elaborate a framework convention on the protection and use of transboundary watercourses and international lakes;
- the implementation of the above recommendations as soon as possible, bearing in mind that the results will be evaluated by the next Follow-up Meeting of the CSCE, to be held in Helsinki in 1992.

These recommendations are developed in parts I, II and III below.

I. Prevention and Control of the Transboundary Effects of Industrial Accidents

The participating States recognize the importance of developing and applying commonly agreed policies and strategies for appropriate arrangements for the prevention of, and response to, industrial accidents, their consequences and their transboundary impact on man and the environment.

They give special emphasis to the reduction of the risk of accidents, thereby reducing or preventing their adverse transboundary effects; to increasing preparedness for controlling and coping with emergencies in a transboundary context; and to the examination of key elements for clean-up, restoration and liability.

They stress the importance of international co-operation, recognize the value of existing bilateral and multilateral agreements and take into account the work already done or currently under way by various international organizations, in particular the Process for Responding to Technological Accidents (APELL) developed by UNEP and the Code of Conduct on Accidental Pollution of Transboundary Inland Waters of the ECE and the work done by the Organization for Economic Co-operation and Development (OECD) and by the European Community (EC).

As a common objective they recognize the importance of establishing regional or subregional mechanisms for response, assistance and exchange of information in environmental emergencies. They emphasize the need for effective measures with a view to:

- limiting the frequency and severity of accidents caused by all industrial activities through better measures of prevention;
- preventing adverse effects from accidents through better land-use planning; and
- mitigating the consequences of accidents by developing adequate emergency plans.

In order to achieve these goals the participating States recommend:

- that the ECE elaborate an international convention, code of practice or other appropriate legal instrument which should be based essentially upon the objectives and principles mentioned below, avoiding redundancy and duplication of efforts and building upon work already under way in international organizations, and taking into account work achieved or in progress in other international fora, without prejudice to any existing or future bilateral or multilateral agreements, with due regard to the legislation and practices of participating States, recognizing that such legal instruments should provide for a high level of protection and safety, and develop, *inter alia*, a precise definition of the industrial activities to be covered;
- that the development of all appropriate measures of prevention, preparedness and response shall recognize the combined responsibilities of industry and competent authorities. In meeting them
  - (i) full responsibility for safe industrial operation and for taking all appropriate measures to prevent accidents rests with the operator of the installation. This means that, *inter alia*, the operator must implement the most appropriate technologies and measures to prevent accidents including on-site emergency planning, ensure appropriate training facilities and managerial structures, to assess risks and provide the public authorities with the necessary information on their assessment;
  - (ii) the public authorities will, with due regard to national legislation and practices, take some combination of, amongst others, the following measures: setting safety objectives on the basis of a risk evaluation of the installation; applying a licensing system to certain

installations; ensuring that, under land-use policies, a safe distance between the installation and the surrounding population is preserved; preparing off-site emergency plans;

- that consultation and exchange of information on the prevention and control of industrial accidents and their transboundary effects be facilitated, *inter alia*, by:
  - (i) notifying each other of their initial points of contact for industrial accidents covering, as appropriate, regional and local authorities;
  - (ii) establishing early warning systems and co-ordination on a bilateral and multilateral basis in order to ensure immediate notification, to the competent authorities of the State likely to be affected, of the type and extent of an accident, and of its possible effects on man and the environment;
- that the potentially affected public be given adequate information, *inter alia*, on risks, safety measures, correct behaviour and protection measures and, whenever possible and appropriate, the opportunity to participate, by providing their views and concerns when decisions are being made by public authorities on prevention, preparedness and emergency planning;
- the development of bilateral and multilateral mechanisms for, and conditions of, mutual assistance, co-operation and co-ordination including emergency response for the implementation of measures to control the effects of industrial accidents including *inter alia*, as appropriate, provision for privileges, immunities and facilities for the expeditious performance of assistance functions;
- the enhancement of scientific and technological co-operation, including the exchange of information on best available technologies, for improved environmental protection, industrial safety and emergency response, including criteria for the monitoring and assessment of transboundary damage, and the promotion of research into less dangerous processes in order to limit environmental hazards;
- co-operation for the further development of on-site and off-site training;
- that the "polluter-pays" principle be applied to physical and juridical persons;
- the consideration of further appropriate ways and means of elaborating principles and guidelines on the nature and scope of liability;
- that disputes be settled peacefully in accordance with procedures to be established in conformity with international law.

II. Management of Hazardous Chemicals

The participating States agree on the need to facilitate international exchange of information and co-operation on chemicals. They recognize the effects of chemicals on human health and the environment as well as the efforts to facilitate international trade of chemicals. They are also aware of the significance of international agreements and instruments with regard to the transboundary movement

of hazardous wastes, and to export notification on banned or severely restricted chemicals.

They will build upon the work of international organizations related to hazardous chemicals, in particular the International Programme on Chemical Safety (IPCS), the UNEP International Register of Potentially Toxic Chemicals (IRPTC), the ECE and the Food and Agriculture Organization of the United Nations (FAO), and support the further development of their work. They will take into account the chemicals programmes of the EC, the Council for Mutual Economic Assistance (CMEA) and the OECD.

In order to strengthen legal and institutional arrangements for the management of chemicals, at least the following elements will be taken into account by the participating States:

- for the prevention of danger to man and the environment, procedures enabling the identification of hazardous properties of chemicals, in particular toxicological and ecotoxicological properties;
- a system for the classification and labelling of chemicals which may involve hazard to man or the environment;
- a notification procedure providing for the mandatory screening of new chemical substances for any hazardous properties;
- systematic investigation of chemicals already on the market, on the basis of priority criteria established with regard to the quantities produced, the suspected hazards, and the utilization of the substances concerned. This investigation would be most productively accomplished through co-operation between the countries involved;
- a comprehensive system for the control of hazardous chemicals, taking into account the risk of exposure, including substitution by non-hazardous or less hazardous chemicals, and, if necessary, limitation or prohibition of their use;
- procedures to facilitate the international exchange of information on chemicals;
- procedures for the proper storage of chemicals to ensure the safety of man and the environment, including questions of location in order to minimize transboundary effects;
- further training in the field of toxicology and ecotoxicology and other relevant disciplines, including an exchange of educational programmes.

International organizations with relevant experience and on-going programmes will be invited to assist participating countries in implementing the above tasks and to co-ordinate efforts in a step-by-step approach to achieve closer harmonization of legislation and existing practices with regard to chemicals on the basis of the most advanced systems of protection and management. The approach could contain *inter alia* the following elements:

- early and regular exchange of information on relevant national infrastructures, new legislation and regulations, scientific findings, monitoring and assessment procedures, etc.;

- harmonization of methods for chemicals testing and good laboratory practice to facilitate the mutual acceptance of data, and establishment of a minimum set of data for the assessment of chemicals;
- harmonization of classification and labelling systems for hazardous chemicals, especially for the purpose of facilitating the development of international trade and the protection of transit and importing countries;
- criteria for the selection of chemicals for further assessment and management, taking into account *inter alia* the production volume, the suspected hazard and the utilization of chemicals;
- harmonization of notification procedures for new chemical substances, including identification of toxicological and ecotoxicological properties;
- recommendations for the substitution of hazardous chemicals by non-dangerous or less hazardous chemicals.

III. Pollution of Transboundary Watercourses and International Lakes

The participating States agree on the need to define principles for a sustainable use of transboundary watercourses and international lakes as well as to elaborate arrangements to protect them from pollution. For this aim the participating States recommend that the ECE elaborate a framework convention, whereby existing bilateral and multilateral agreements on the protection and use of transboundary watercourses and international lakes, as well as ongoing activities and completed work in other fora such as the ECE Senior Advisers on Environmental and Water Problems and the United Nations International Law Commission, should be taken into account. Such a framework convention should contain, in particular, the following elements:

Basic principles, such as:

- Pollution of transboundary watercourses and international lakes, contributing also to the pollution of seas, will be prevented or reduced with the aim of sustainable management, conservation of water resources and invironmental protection.
- Effective prevention and pollution control measures will be applied at the source wherever possible.
- Regular consultations on issues of mutual interest and implementation of pollution abatement measues will be promoted.
- Warning and alarm systems and contingency plans will be introduced.
- With the aim of prevention, environmental impact assessment and other means of assessment will be developed, adopted and subsequently implemented.
- Water quality will be monitored and assessed and discharges of pollutants will be registered; methods of analysis, monitoring and assessment, including registration of discharges, will be harmonized.

- For transboundary watercourses and international lakes, parties will establish emission limits based, to the extent possible, on the best available technologies specifically applicable to individual sectors or industries or to specific substances; for municipal waste water, at least biological treatment will be introduced; use of no-waste and low-waste technologies will be promoted.
- Parties will apply water quality objectives; the ecosystems approach will be promoted.
- Discharges will be subject to prior licensing by the competent authority; the approved discharges must be monitored and controlled.
- General water management policies covering transboundary waters including ecological and other impacts of water construction works and water regulation will be implemented.
- The "polluter-pays" principle will be applied to physical and juridical persons.
- Responsibility and liability issues will be examined.
- Disputes will be settled peacefully in accordance with procedures to be established in conformity with international law.
- Scientific and technological information—including best available technologies—will be exchanged where necessary to achieve the goals of the framework convention in accordance with national laws, regulations and practice.
- A reporting system concerning the implementation of the framework convention will be established.

Principles related to commissions and to other forms of co-operation

The States bordering transboundary watercourses and international lakes will conclude, where they do not yet exist, specific agreements on the establishment of bilateral or multilateral commissions or other forms of co-operation where appropriate. Their tasks to be described in the framework convention will be *inter-alia* without prejudice to comparable existing agreements, the following:

- to carry out investigations on the components of the catchment areas of the water bodies concerned and to identify priority uses of waters;
- to carry out joint measuring programmes concerning water quality and quantity;
- to draw up inventories and exchange information on significant discharges;
- to set emission limits for waste water and evaluate the effectiveness of control programmes;
- to set water quality objectives; to introduce the minimum obligation of maintaining at least the existing water quality;
- to develop concerted action programmes for the reduction of pollution loads discharged both from point-sources (municipal; industrial) and from diffuse sources (particularly agriculture);
- to establish alarm and warning procedures;

- to provide for consultations on existing and planned uses of water that are likely to have significant adverse transboundary effects, including water construction works and water regulation;
- to promote co-operation on the exchange of information and on the exchange of best available technologies in accordance with national laws, regulations and practice as well as to encourage co-operation in scientific research programmes.

In cases where a coastal State is directly and significantly affected by pollution from transboundary watercourses, the riparian States can, if they all so agree, invite that coastal State to be involved in the activities of the commission or, where appropriate, in other forms of co-operation.

States are encouraged to enter such specific agreements (e.g. the Danube, the Elbe) parallel to the elaboration of a framework convention.

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The representatives of the participating States express their profound gratitude to the people and Government of Bulgaria for the excellent organization of the Sofia Meeting and the warm hospitality extended to the delegations which participated in the Meeting.

Sofia, 3 November 1989.

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